

REMARKS

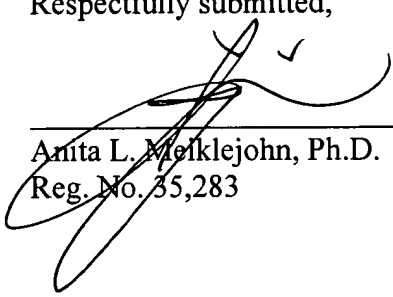
In the Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequences dated June 16, 2004, applicants were asked to amend the Sequence Listing to include Formula III, which is recited in the specification and in claims 270 and 271. It is applicants' position that Formula III is a formula and not a specific amino acid sequence of the type that falls under the requirements of 37 C.F.R. §1.821-1.825. That Formula III is a formula and not a specific amino acid sequence of the type that falls under the requirements of 37 C.F.R. §1.821-1.825 is evident from the claims. For example, claim 270 recites that A2 is "an amino acid sequence" and that A4 is "an amino acid sequence having a net anionic charge". Thus, neither A2 nor A3 can be represented by an amino acid in accordance with WIPO Standard ST.25 (1998).

In view of the forgoing, Applicant respectfully request that the Examiner withdraw the requirement that Formula III be placed in the Sequence Listing and withdraw the Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequences dated June 16, 2004. Applicants believe that the claims are in condition for allowance. Please apply any charges to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

*15 July 2004*

  
\_\_\_\_\_  
Anita L. Moiklejohn, Ph.D.  
Reg. No. 35,283

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906



<b>Notice to Comply</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/498556	Vlasuk et al.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rita Mitra, Ph. D.	1653	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: CRF diskette and paper copy of sequence listing do not contain the sequence of formula III, with an assigned SEQ ID number.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**